

## TITLE XII—MATTERS RELATING TO FOREIGN NATIONS

### ITEMS OF SPECIAL INTEREST

#### Addressing the Threat Posed by the Islamic Republic of Iran

The committee notes that the Islamic Republic of Iran currently poses a serious threat to the security of the United States, as well as to the peace and stability of the international community by continuing dangerous nuclear activities, including development of uranium enrichment capabilities; violating the human rights of the Iranian people; supporting terrorists; calling for the destruction of the State of Israel; creating instability in Iraq; and undermining the spread of freedom and democracy in the Middle East.

Given these circumstances, the committee directs the Secretary of Defense to provide to the Senate Committee on Armed Services and the House Committee on Armed Services, by January 31, 2007, a classified report encompassing the present period through 2016, which describes the Department of Defense's (DOD) strategy for addressing current and foreseeable Iranian threats to U.S. security and international security. The report shall describe the range of U.S. military options, including possible scenarios in which the use of U.S. military force may be appropriate and any limits or obstacles to using such force. The report shall also specifically address Iran's nuclear activities; support for terrorists; influence in the Middle East region, particularly Iraq; and any broader destabilizing ambitions of the Iranian regime.

To supplement this report, the committee directs the Secretary of Defense to provide regular, timely briefings to the Senate Committee on Armed Services and the House Committee on Armed Services which include detailed political-military assessments of existing and emerging threats posed by Iran to the security of the United States and the peace and stability of the international community, and DOD plans to address such threats. The briefings shall include, as appropriate, coordination of the Department with the Department of State or other relevant government agencies; alternative intelligence analyses from these agencies; the status of negotiations with Iran regarding its nuclear activities and involvement in Iraq; and the impact of Iran's nuclear activities, support for terrorists, and influence in Iraq and the Middle East, on the security of the United States and the peace and stability of the international community.

Finally, in the event the U.S. participates in direct talks with Iran on the subject of Iraq, the committee urges the appropriate U.S. officials to address in any such talks the need for Iran to stop the flow of any Iranian-supplied explosives to Iraq, withdraw any presence of the Iranian Revolutionary Guard Corps in Iraq, and end Iranian financial support to insurgent groups in Iraq.

#### International Military Education and Training Programs

The committee notes that it has received testimony before the full committee from the commander of the U.S. Southern Command on March 16, 2006 on the value of the U.S. Government's International Military Education and Training (IMET) programs and

the unintended consequences of IMET restrictions under the American Servicemembers' Protection Act of 2002 (ASPA) (title II of Public Law 107-206). The committee also notes that it had previously received testimony before the full committee of the value of IMET programs by the commanders of U.S. Southern and European Command on March 9, 2005 and by the commander of the U.S. Central Command on March 2, 2005.

Specifically, the committee perceives that IMET programs create opportunities for military-to-military engagement between U.S. armed forces and the militaries of developing nations. Such interactions are critical to advancing the understanding of, and respect for, civil-military relations; enhancing the understanding of U.S. military principles and values; bridging cultural differences; and developing important long-term relationships with future military and civilian leaders. Generally, such engagement has positively affected U.S. armed forces' global access and influence and has proved helpful in the global war on terrorism.

The committee notes that ASPA-related restrictions on IMET programs have reduced U.S. engagements with countries in ways that create opportunities for third-party governments and actors, which may not share the democratic principles and values of the United States, to exert undue influence in countries subject to IMET restrictions in ways that undermine the U.S. national security and broader interests.

The committee notes that ASPA provides the President with the authority to waive IMET restrictions, but the President has not yet chosen to exercise this authority. The committee urges the President to use, where appropriate, the waiver authority granted to him under ASPA to impede undue influence on U.S. partner nations and improve U.S. strategic relationships. Additionally, the committee requests that the President provide the committee with legislative proposals for the strengthening of key military-to-military relationships without undermining the importance of article 98 agreements under ASPA.

The committee emphasizes that it supports all aspects of ASPA that do not involve IMET restrictions, including the restrictions on foreign military financing. The committee supports article 98 agreements, which protect U.S. citizens against prosecution under the International Criminal Court. The committee does not believe that selectively waiving IMET restrictions under ASPA will undermine the effectiveness of ASPA or diplomatic efforts to secure article 98 agreements and does not intend such result.

#### Report on Certain Cooperative Activities Involving the United States and India

The committee emphasizes its support for a robust U.S.-India strategic partnership and commends India for its recent efforts to bring its national export controls for dual-use and other sensitive materials and technologies in line with international standards.

Given the President's proposed deepening of U.S.-India nuclear cooperation and its possible effect on safeguards that prevent theft or other illicit transfer of nuclear materials and technologies, the committee directs the Secretary of Energy to submit, by February 1, 2007, a report to the Committees on Armed Services and Foreign Relations of the Senate and the Committees on Armed Services and

International Relations of the House of Representatives on the Department's current and planned cooperative activities to enhance India's export control system and nuclear safeguards and to prevent such theft or transfer. The report should also describe how the Department of Energy coordinates these activities with similar efforts of the Departments of Defense and State; provide an assessment of the limits and vulnerabilities in India's current export control system and other safeguards as they relate to nuclear materials; and identify possible areas for expanded U.S.-India export control- or nuclear-related cooperative activities.

The Secretary of Energy should coordinate this report with the Secretary of Defense and the Secretary of State. To the maximum extent possible, the report shall be unclassified, with a classified annex if necessary.

#### Report on Department of Defense Activities in Support of Multinational Peacekeeping Operations in Sudan

Noting with concern the ongoing crisis in the Darfur region of Sudan, the committee directs the Secretary of Defense to submit to the Senate Committee on Armed Services, the House Committee on Armed Services, the Senate Committee on Foreign Relations, and the House Committee on International Relations by April 1, 2007, a report describing any current or planned Department of Defense activities, including those activities involving U.S. military forces, in support of peacekeeping missions of United Nations or North Atlantic Treaty Organization forces in Sudan.

### LEGISLATIVE PROVISIONS

#### SUBTITLE A—ASSISTANCE AND TRAINING

##### Section 1201—Logistic Support for Allied Forces Participating in Combined Operations

This section would allow the Secretary of Defense, with the concurrence of the Secretary of State, to use up to \$100.0 million of funds available to the Department of Defense for operation and maintenance in any given fiscal year to provide logistics support, supplies, and services to foreign military forces. To receive such support, the foreign military forces must be participating in an operation, such as active hostilities, a contingency, or a non-combat operation, with U.S. armed forces. Also, the Secretary of Defense must determine that the support is essential to the success of the combined operation and that without such support, the foreign military forces would be unable to participate in the combined operation. Finally, the support provided must be allowable under existing export control laws and regulations.

##### Section 1202—Temporary Authority To Use Acquisition and Cross-Servicing Agreements To Lend Certain Military Equipment to Foreign Forces in Iraq and Afghanistan for Personnel Protection and Survivability

This section would provide the Secretary of Defense with the authority to lend certain military equipment, using acquisition and cross-servicing agreements, to the military forces of nations partici-

pating in combined operations with the U.S. armed forces in Iraq and Afghanistan. This section would limit this authority to fiscal years 2007 and 2008, limit such equipment to those items marked as “significant military equipment” in categories I, II, III, and VII on the U.S. Munitions List, allow the provision of such equipment for up to one year and only if the U.S. forces participating in that combined operation have no unfilled requirements for that equipment, and require the Secretary of Defense to submit to the Senate Committee on Armed Services and the House Committee on Armed Services detailed reports on the exercise of such authority.

**Section 1203—Recodification and Revision to Law Relating to Department of Defense Humanitarian Demining Assistance**

This section would recodify in a section of title 10, United States Code, the provisions relating to the humanitarian mine action (HMA) program. This section would amend the authorities for HMA missions so secretaries of the military departments may base their decisions on whether the mission offers training value to participating U.S. military units or promotes the strategic interests of the United States. The committee notes that restrictions on actual physical detection, lifting, or destruction of landmines by U.S. military personnel do not change and there is no restriction on servicemembers visiting the physical site of demining activities.

**Section 1204—Enhancements to Regional Defense Combating Terrorism Fellowship Program**

This section would amend section 2249c of title 10, United States Code, to describe the nature of the Counterterrorism Fellowship Program (CTFP) more clearly by changing the program title to the Combating Terrorism Fellowship Program and further explaining the authorities associated with the program, to allow the Department of Defense to manage the program more effectively and efficiently, and to increase the total amount of funds that may be used under this authority in any fiscal year from \$20.0 million to \$25.0 million.

The committee notes that the CTFP successfully engages potential partners in the global war on terrorism by educating and training foreign military officers, ministry of defense officials, and security officials with combating terrorism responsibilities. The committee is aware that before accepting CTFP candidates into the program the Department requires that each candidate enters a thorough human rights verification background vetting process. The committee expects that this policy will remain unchanged. Additionally, where it is not already part of the CTFP, the committee encourages the Department to develop and include curricula that promote human rights values and respect for democratic principles.

**Section 1205—CAPSTONE Overseas Field Studies Trips to People’s Republic of China and Republic of China on Taiwan**

This section would require the Secretary of Defense to conduct field studies trips to the People’s Republic of China and the Republic of China on Taiwan during the overseas section of the CAPSTONE course for newly-selected flag and general officers. Overseas CAPSTONE trips provide a unique opportunity for the next

generation of senior military leadership to familiarize themselves with areas of strategic importance. Therefore, this section would require that the Secretary provide one trip per year to China and one trip per year to Taiwan.

Section 1206—Military Educational Exchanges Between Senior Officers and Officials of the United States and Taiwan

This section would require the Secretary of Defense to establish and conduct exchanges of senior defense officials and officers with the Republic of China on Taiwan at the level of Deputy Assistant Secretary and flag-rank officers or above. The committee notes that the United States currently conducts reciprocal visits with senior defense officials and military officers from the People's Republic of China. The committee believes that similar programs with Taiwan are appropriate. More importantly, the committee believes that maintaining a balance of power across the Taiwan Strait is critical to ensuring deterrence and preserving peace, security, and stability in Asia. China's National People's Congress adopted an anti-secession law that essentially authorizes China's Central Military Commission to use non-peaceful means against Taiwan if the latter declares independence. The committee is concerned that this law, in conjunction with an excessive military build-up by China, may signal a weakening of deterrence across the Taiwan Strait. The committee believes that the exchange program, by helping to strengthen Taiwan's defenses, would help preserve and strengthen deterrence, thereby encouraging China and Taiwan to resolve their differences peacefully.

SUBTITLE B—NONPROLIFERATION MATTERS AND COUNTRIES OF CONCERN

Sec 1211—Procurement Restrictions Against Foreign Persons That Transfer Certain Defense Articles and Services to the People's Republic of China

This section would prohibit the Secretary of Defense from purchasing goods or services from any entity that knowingly transfers an item that is on the United States Munitions List to the People's Republic of China. The committee notes that China's military modernization has proceeded apace with roughly double-digit increases in its defense budget almost every year for the last decade and a half. The committee is concerned that China's military modernization now exceeds its legitimate security needs, is undermining the balance of power that has maintained peace and security in the Western Pacific for decades, may be undermining deterrence in the region, and may be contributing to the increasingly bellicose nature of Chinese foreign policy. This section would create disincentives for potential arms exports to China by denying sellers access to Department of Defense procurement opportunities and would provide incentives for foreign persons to choose not to export arms to China in order to maintain their ability to sell goods and services to the Department of Defense.

## SUBTITLE C—OTHER MATTERS

Section 1221—Execution of the President's Policy to Make  
Available to Taiwan Diesel Electric Submarines

This section would establish that it is the policy of the United States to make available to Taiwan plans and options for design work and construction work on future diesel electric submarines under the U.S. foreign military sales process. The availability of such work would be consistent with U.S. national disclosure policy and subject to U.S. export control laws.

The section would also require the Secretary of Defense to submit to the congressional defense committees, not later than 30 days after enactment of this Act, a report on the Department of the Navy's efforts to execute the President's policy to sell diesel electric submarines to Taiwan, including ongoing and planned activities to make Taiwanese officials aware of foreign military sales options.

TITLE XIII—COOPERATIVE THREAT REDUCTION  
WITH STATES OF THE FORMER SOVIET UNION

## OVERVIEW

The budget request for Cooperative Threat Reduction contained \$372.1 million for fiscal year 2007, representing a decrease of \$43.4 million from the amount authorized for fiscal year 2006, exclusive of any supplemental funds authorized for fiscal year 2006. This request included increases for strategic offensive arms elimination, nuclear weapons storage security, and nuclear weapons transportation security in Russia, as well as biological threat reduction efforts in states of the former Soviet Union. The request also included a decrease for weapons of mass destruction proliferation prevention in the states of the former Soviet Union and a \$65.8 million decrease for chemical weapons destruction in Russia, reflecting the upcoming completion of the construction of a chemical weapons destruction facility.

## LEGISLATIVE PROVISIONS

Section 1301—Specification of Cooperative Threat Reduction  
Programs and Funds

This section would define the programs and funds that are Cooperative Threat Reduction programs and funds as those authorized to be appropriated in section 301 of this Act and specify that Cooperative Threat Reduction funds shall remain available for obligation for three fiscal years.

## Section 1302—Funding Allocations

This section would authorize \$372.1 million for the Cooperative Threat Reduction program. This section would authorize specific amounts for each Cooperative Threat Reduction program element and would require notification to Congress 30 days before the Secretary of Defense obligates and expends fiscal year 2007 funds for purposes other than those specifically authorized. This section would also provide limited authority to obligate amounts for a Co-